

# CHAPTER 61—GENERAL SERVICES ADMINISTRATION BOARD OF CONTRACT APPEALS

(Parts 6100 to 6199)

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## PART 6101—RULES OF PROCEDURE OF THE GENERAL SERVICES AD- MINISTRATION BOARD OF CON- TRACT APPEALS (STANDARD PROCEEDINGS)

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Form 1—Notice of Appeal, GSA Form 2465.

Form 2—Notice of Appearance.

Form 3—Subpoena, GSA Form 9534.

Form 4—Government Certificate of Finality.

Form 5—Appellant/Applicant Certificate of  
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otherwise noted.

### 6101.0 Foreword.

(a) The General Services Administra-  
tion Board of Contract Appeals was es-  
tablished under the Contract Disputes  
Act of 1978, 41 U.S.C. 601-613, as an  
independent tribunal to hear and de-  
cide contract disputes between govern-  
ment contractors and the General  
Services Administration (GSA) and  
other executive agencies of the United  
States.

(b) As an agency board established  
under the Contract Disputes Act, the  
Board is required to “provide to the  
fullest extent practicable, informal, ex-  
pedient and inexpensive resolution of  
disputes.” 41 U.S.C. 607(e). The rules in  
part 6101 represent the Board’s con-  
certed effort to be responsive to this  
charge in standard proceedings. In fur-  
ther response to this mandate, the  
Board also uses a variety of techniques  
intended to shorten and simplify, when  
appropriate, the proceedings normally  
used to resolve contract disputes.  
These techniques are described in part  
6102.

(c) As indicated in part 6102, the  
Board fully supports the use of alter-  
native dispute resolution (ADR) in all  
appropriate cases. To encourage the  
prompt, expert, and inexpensive resolu-  
tion of contract disputes as promoted  
by the Federal Acquisition Stream-  
lining Act of 1994, Public Law 103-355,  
108 Stat. 3243, the Board will also make  
a Board Neutral available for an ADR  
proceeding, as described in 6102.4, ei-  
ther before or after the issuance of a  
decision by a contracting officer of any

agency if a joint written request is submitted to the Office of the Clerk of the Board by the parties.

(d) The Board also conducts proceedings as required under other laws. In all matters before it, the Board will act in accordance with this part and Part 6102 and applicable standards of conduct so that the integrity, impartiality, and independence of the Board are preserved.

**6101.1 Scope of rules; definitions; construction; rulings and orders; panels; situs [Rule 101].**

(a) *Scope.* The rules contained in this part and Part 6102 govern proceedings in all cases filed with the Board on or after October 7, 1996, and all further proceedings in cases then pending, except to the extent that, in the opinion of the Board, their use in a particular case pending on the effective date would be infeasible or would work an injustice, in which event the former procedure applies. The Board will look to the rules in this part and Part 6102 for guidance in conducting other proceedings authorized by law.

(b) *Definitions—(1) Appeal; appellant.* The term “appeal” means a contract dispute filed with the Board. The term “appellant” means a party filing an appeal.

(2) *Application; applicant.* The term “application” means a submission to the Board of a request for award of costs, under the Equal Access to Justice Act, 5 U.S.C. 504, pursuant to 6101.35. The term “applicant” means a party filing an application.

(3) *Board judge; judge.* The term “Board judge” or “judge” means a member of the Board.

(4) *Case.* The term “case” means an appeal, petition, or application.

(5) *Filing.* (i) Any document, other than a notice of appeal or an application for award of costs, is filed when it is received by the Office of the Clerk of the Board during the Board’s working hours. A notice of appeal or an application for award of costs is filed upon the earlier of:

(A) Its receipt by the Office of the Clerk of the Board or

(B) If mailed, the date on which it is mailed. A United States Postal Service postmark shall be prima facie evidence

that the document with which it is associated was mailed on the date thereof.

(ii) Facsimile transmissions to the Board and the parties are permitted. Parties are expected to submit their facsimile machine numbers with their filings. The Board’s facsimile machine number is: (202) 501-0664. The filing of a document by facsimile transmission occurs upon receipt by the Board of the entire printed submission. Parties are specifically cautioned that deadlines for the filing of cases will not be extended merely because the Board’s facsimile machine is busy or otherwise unavailable at the time on which the filing is due.

(6) *Party.* The term “party” means an appellant, applicant, petitioner, or respondent.

(7) *Petition; petitioner.* The term “petition” means a request filed under 41 U.S.C. 605(c)(4) that the Board direct a contracting officer to issue a written decision on a claim. The term “petitioner” means a party submitting a petition.

(8) *Respondent.* The term “respondent” means the Government agency whose decision, action, or inaction is the subject of an appeal, petition, or application.

(9) *Working day.* The term “working day” means any date other than a Saturday, Sunday, or federal holiday.

(10) *Working hours.* The Board’s working hours are 8:00 a.m. to 4:30 p.m., Eastern Time, on each working day.

(c) *Construction.* The rules in this part and part 6102 shall be construed to secure the just, speedy, and inexpensive resolution of every case. The Board looks to the Federal Rules of Civil Procedure for guidance in construing those Board rules which are similar to Federal Rules.

(d) *Rulings, orders, and directions.* The Board may apply the rules in this part and part 6102 and make such rulings and issue such orders and directions as are necessary to secure the just, speedy, and inexpensive resolution of every case before the Board. Any ruling, order, or direction that the Board may make or issue pursuant to the rules in this part and part 6102 may be made on the motion or request of any party or on the initiative of the Board.